

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN

JAMES GALLAGHER, Trustee of the  
James K. & Patsy A. Gallagher Trust, et al.,

Plaintiffs,

Hon. Jane M. Beckering

v.

Case No. 1:23-cv-1363

GRAND TRAVERSE, COUNTY OF, et al.,

Defendants.

**ORDER**

On October 3, 2024, the Court granted in part and denied in part Defendant Grand Traverse County's Second Corrected Motion for Protective Order (ECF No. 37) and invited Defendant to file an affidavit setting out fees and costs incurred in relation to the motion pursuant to Fed. R. Civ. P. 37(a)(5)(A). (ECF No. 54.) The affidavits were filed on October 10, 2024. (ECF No. 69.) Plaintiffs responded on October 17, 2024. (ECF No. 72.)

After reviewing the affidavits and response, the Court finds that the rate requested of \$220 per hour is reasonable based on the Michigan State Bar Economics of Law Survey Results and its own experience in considering motions for fees in this jurisdiction. However, the time spent on drafting the motion and preparing for the hearing appears to be somewhat out of proportion with the nature and complexity of the motion. The Court will reduce the number of hours of attorney time for which Defendant may be compensated.

After reviewing the submitted affidavits, the Court finds that a total of 16 hours would adequately compensate Defendant for time spent drafting the motion and hearing preparation.

Therefore, the Court finds that attorney's fees in the amount of \$3520 are appropriately ordered as reasonable expenses incurred in connection with Defendant's motion.

Plaintiffs' counsel requests that payment "be deferred until the end of the case so that this amount may be resolved during the upcoming mediation and that any appeals be consolidated at the end of the case rather than interlocutory." (ECF No. 72, PageID.878.) While the Court will not defer payment until the end of the case, it will set a due date after the date of the mediation scheduled for November 12, 2024.

THEREFORE, Plaintiffs' counsel is ordered to pay Defendant \$3520 within 30 days of the date of this order.

IT IS SO ORDERED.

Dated: October 18, 2024

/s/ Sally J. Berens  
SALLY J. BERENS  
U.S. Magistrate Judge